



Docket No.: 066692-0097

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Kelly, Mark et al.  
Appl. No. : 10/799,934  
Filed : March 12, 2004  
Title : NUCLEAR MAGNETIC  
RESONANCE ASSEMBLY OF  
CHEMICAL ENTITIES USING  
ADVANCED ANTENNA PROBES

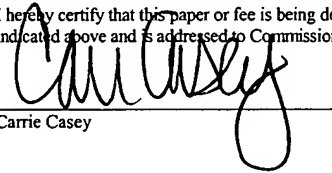
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Grp./A.U. : 1653  
Examiner: : Unknown

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Carrie Casey

**PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts mailed June 1, 2004, a petition under 37 C.F.R. § 1.47(a) is submitted herewith.

Pursuant to 37 C.F.R. § 1.47(a), submitted herewith is a copy of the Declaration signed by five of the six inventors. One of the inventors, Min S. Lee, has refused to sign the Declaration. As required under 37 C.F.R. § 1.47(a), please charge the fee of \$200.00 to Deposit Account No. 502624. Please charge any additional fees or credit any overpayment to Deposit Account No. 502624. Set forth below and in the accompanying statement are the pertinent facts, the fee set forth in § 1.17(g) and the last known address of the non-signing inventor.

01/04/2005 RMEBRANT 00000001 502624 10799934  
05 FC:1463 200.00 DA

A. DECLARATION

A Declaration is submitted herewith signed by five of the six inventors. The Declaration has been signed by Mark Kelly, Hugo Villar, Jianqiang Wang, Yong Qin and Daniel S. Sem. The signature block of the non-signing inventor, Min S. Lee, has been left blank. According to MPEP § 409.03(a), an oath or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor.

B. PROOF THAT NONSIGNING INVENTOR REFUSES TO EXECUTE THE APPLICATION PAPERS

Attached herewith is a Statement of Facts and corresponding evidence relating to the attempts to contact Inventor Min S. Lee and his refusal to sign the Declaration, in accordance with MPEP §409.03(d). It is respectfully submitted that the evidence shows that Inventor Min S. Lee has refused to sign the Declaration.

C. LAST KNOWN ADDRESS FOR INVENTOR MIN S. LEE

The last known address for Inventor Min S. Lee is:

University of Wisconsin-Madison  
433 Babcock Dr.  
Madison, WI 53706-1544

Dr. Lee's previously known residence prior to him moving to Wisconsin is:

6356 Paseo Cerro  
Carlsbad, California 92009

An attempt was also made to determine whether a home address was available for forwarding documents in addition to the known address at the University of Wisconsin, Madison. A search of the Yahoo yellow pages indicated that no address was available for a "Min Lee" in the Madison, Wisconsin area (Exhibit A).

Serial No.: 10/799,934 .

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Deborah L. Cadena".

Deborah L. Cadena

Registration No. 44,048

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 DLC:MWE  
Facsimile: 858.597.1585  
**Date: December 30, 2004**

**Please recognize our Customer No. 41552  
as our correspondence address.**

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- Tips:**
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<b>Address:</b>	<input type="text"/>	<b>Tip:</b> If you specify an address, we will search for businesses closest to that address.
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Docket No.: 066692-0097

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

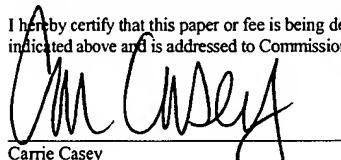
Applicant : Kelly, Mark et al.  
Appl. No. : 10/799,934  
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Grp./A.U. : 1653  
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CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Dec 30, 2004.

  
Carrie Casey

**STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Deborah L. Cadena, to the best of my knowledge and belief, do hereby state as follows:

1. I am a patent agent in the Intellectual Property department of McDermott Will & Emery LLP.
2. A number of attempts have been made to contact Inventor Min S. Lee, provide him with a copy of a Declaration and Assignment and the application as filed, and request that he review the application and sign the Declaration.
3. An initial attempt to contact Dr. Lee was made by e-mail on May 26, 2004, at the e-mail address minlee@nmrfam.wisc.edu. The e-mail included as attachments a copy of the Declaration, assignment and application as filed. An offer was made to forward paper copies of the documents if he provided an appropriate address. No reply was received from Dr. Lee nor was any reply sent

from the e-mail address indicating that the e-mail was not received. A copy of the e-mail is attached (Exhibit 1).

4. A reminder was sent to Dr. Lee via e-mail on July 19, 2004, with another copy of the Declaration and Assignment. No reply was received from Dr. Lee nor was any reply sent from the e-mail address indicating that the e-mail was not received. A copy of the e-mail is attached (Exhibit 2).

5. On September 17, 2004, a letter was sent along with a copy of the Declaration, Assignment and application as filed via Fedex to the only known address for Dr. Lee at the University of Wisconsin, Madison. Attached is a copy of the letter along with proof of delivery from Fedex (Exhibit 3).

7. A reminder was sent to Dr. Lee via Fedex on December 7, 2004, along with another copy of the Declaration, Assignment and application as filed. Dr. Lee was also notified via e-mail that the Fedex package was being forwarded to him. Attached is a copy of the letter along with proof of delivery from Fedex as well as the related e-mail (Exhibit 4).

8. On December 9, 2004, an e-mail was received from Dr. Lee from the address "'Min S. Lee" <minlee@nmrfam.wisc.edu>." In the e-mail, Dr. Lee indicated that his fee for reviewing the application and signing the Declaration is \$25,000.00 and that he would discuss it further if and when the funds are released by Triad Therapeutics. A copy of his e-mail is attached (Exhibit 5).

9. On December 16, 2004, a letter was sent by Cathryn Campbell, a patent attorney at McDermott Will & Emery LLP, to Dr. Lee, again forwarding to him a copy of the Declaration, Assignment and application as filed. The letter indicates that not receiving the executed documents would be interpreted as Dr. Lee's refusal to sign the Declaration. Dr. Lee was also notified by e-mail on December 17, 2004, of the forthcoming letter to be delivered via Fedex. Attached is a copy of the letter along with proof of delivery from Fedex and the related e-mail (Exhibit 6).

10. As of today, January 30, 2004, no executed Declaration nor any further communication has been received from Dr. Lee.



Serial No.: 10/799,934 .

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issued thereon.

A handwritten signature in black ink, reading "Deborah L. Cadena". The signature is written in a cursive style with a horizontal line underneath the name.

Deborah L. Cadena  
Registration No. 44,048

Deborah L Cadena  
05/26/2004 05:57 PM

To: minlee@nmrfam.wisc.edu  
cc: smcoutts@TriadTherapeutics.com  
Subject: 66692-097

\*\*\*\*\* PRIVILEGED AND CONFIDENTIAL \*\*\*\*\*

United States Patent Application No.: 10/799,934  
Entitled: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL ENTITIES USING  
ADVANCED ANTENNA PROBES  
Inventors: Kelly et al.  
Filed: March 12, 2004  
Client-Matter No.: 66692-097

Dear Min,

Following up on my earlier email, we are in the process of preparing formal documents for filing in the above-identified application, of which you are one of the inventors. Attached is a copy of the declaration and assignment. Also attached is a copy of the application as filed. We remind you that the application is the intellectual property of Triad Therapeutics and accordingly should be treated with the appropriate confidentiality. If it is more convenient for you to have paper copies of the documents forwarded to you, please let me know and the address to which they should be sent.

Once you have had the opportunity to review the application and have determined that the application is accurate and complete, please sign the Declaration and assignment as indicated. Please note that the assignment should be notarized. Also note that the Declaration has a place for your home address and citizenship at your signature line, and the assignment indicates your city and state of residence in the first paragraph. I ask that you please fill in your address on the Declaration. If any of the information on the assignment needs to be corrected, please mark any changes and initial.

Please note that the Declaration contains an acknowledgment of the inventor's duty to disclose all information of which he is aware that is material to the examination of the application. You should consider "material information" to include information relating to any publication, public uses or offers for sale of the invention or anything closely similar to it, occurring before the filing date of the application. If any such publications are patents, we suggest you consider them material no matter when issued.

As you may be aware, for a variety of reasons even "material information" may ultimately have little or no bearing on the patentability of the invention. For example, if a publication occurred less than a year before the filing date and after completion of the invention, it will not affect patentability. Moreover, an invention often can be distinguished over material information by appropriate argument to the Patent and Trademark Office, or by amendment of the claims.

The purpose of the disclosure requirement is to ensure that the Patent and Trademark Office has before it all of the prior art that may affect the validity of a patent. This has the effect of strengthening patents that ultimately are granted. Failure to satisfy the disclosure requirement may result in loss of patent rights, as well as other potentially serious consequences. This is a continuing duty which does not terminate upon filing of the application. The same duty is imposed on each individual associated with the filing and prosecution of the application. Accordingly, if you have not already provided us with all such information, we need it as soon as possible so that we can make an early determination as to its materiality, and can prepare an appropriate statement, if necessary, for filing with the application.

We ask that you please return the signed documents to the address shown below. Please forward the signed documents to us via Fedex and charge to recipient using our Fedex account number 268228560.

Thank you for your time and cooperation. Please do not hesitate me if you have any questions.

Best regards,  
Debbie

Deborah L. Cadena, Ph.D.  
Patent Agent and Scientific Advisor  
McDermott, Will & Emery  
4370 La Jolla Village Drive, Suite 700  
San Diego, California 92122  
Phone 858-535-9001  
Direct 858-643-1460  
Fax 858-597-1585  
dcadena@mwe.com



66692-097 declaration.DO 66692-097 assignment.DC SFXA51.pdf

Deborah L. Cadena, Ph.D.  
Patent Agent and Scientific Advisor  
McDermott, Will & Emery  
4370 La Jolla Village Drive, Suite 700  
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Deborah L Cadena  
07/19/2004 10:23 AM

To: minlee@nmrfam.wisc.edu  
cc: smcoutts@TriadTherapeutics.com  
Subject: 66692-097

\*\*\*\*\* PRIVILEGED AND CONFIDENTIAL \*\*\*\*\*

United States Patent Application No.: 10/799,934  
Entitled: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL ENTITIES USING  
ADVANCED ANTENNA PROBES  
Inventors: Kelly et al.  
Filed: March 12, 2004  
Client-Matter No.: 66692-097


Dear Min,

Further to my email of May 26, 2004, I wanted to follow up on the documents I forwarded to you for filing in the above-identified application. The initial due date for filing the documents is August 2, 2004, and if it is possible for you to forward the signed documents by that time, it would be greatly appreciated. For your convenience, I attach another copy of the documents to be executed by the inventors, the Declaration and Assignment. Please forward the signed documents to us via Fedex and charge to recipient using our Fedex account number 268228560.

Your time and consideration on this matter is very much appreciated. Please do not hesitate to contact me if you have any questions or would like to discuss the documents in more detail. I hope things are going well for you.

Best regards,  
Debbie

Deborah L. Cadena, Ph.D. | Patent Agent and Scientific Advisor  
McDermott Will & Emery LLP | 4370 La Jolla Village Drive, Suite 700, San Diego California 92122  
Phone 858-535-9001 | Direct 858-643-1460 | Fax 858-597-1585 | dcadena@mwe.com

   
66692-097 declaration.DO 66692-097 assignment.DC

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# McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan  
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

September 17, 2004

VIA FEDERAL EXPRESS

Min Lee  
University of Wisconsin-Madison  
433 Babcock Dr.  
Madison, WI 53706-1544

Re: U.S. Patent Application No.: 10/799,934  
For: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL  
ENTITIES USING ADVANCED ANTENNA PROBES  
Inventors: Kelly et al.  
Client-Matter No.: 066692-0097

Dear Min:

Following up on my email sent May 26, 2004, I am forwarding another copy of the documents previously sent to you as attachments to the email. As previously indicated, we are in the process of preparing formal documents for filing in the above-identified application, of which you are one of the inventors. Enclosed is a copy of the declaration and assignment. Also enclosed is a copy of the application as filed. We remind you that the application is the intellectual property of Triad Therapeutics and accordingly should be treated with the appropriate confidentiality.

Once you have had the opportunity to review the application and have determined that the application is accurate and complete, please sign the Declaration and assignment as indicated. Please note that the assignment should be notarized. Also note that the Declaration has a place for your home address and citizenship at your signature line, and the assignment indicates your city and state of residence in the first paragraph. I ask that you please fill in your address on the Declaration. If any of the information on the assignment needs to be corrected, please mark any changes and initial.

Please note that the Declaration contains an acknowledgment of the inventor's duty to disclose all information of which he is aware that is material to the examination of the application. You should consider "material information" to include information relating to any publication, public uses or offers for sale of the invention or anything closely similar to it, occurring before the filing date of the application. If any such publications are patents, we suggest you consider them material no matter when issued.

As you may be aware, for a variety of reasons even "material information" may ultimately have little or no bearing on the patentability of the invention. For example, if a publication occurred less than a year before the filing date and after completion of the invention, it will not affect patentability. Moreover, an invention often can be distinguished over material information by appropriate argument to the Patent and Trademark Office, or by amendment of the claims.

The purpose of the disclosure requirement is to ensure that the Patent and Trademark Office has before it all of the prior art that may affect the validity of a patent. This has the effect of strengthening patents that ultimately are granted. Failure to satisfy the disclosure requirement may result in loss of patent rights, as well as other potentially serious consequences. This is a continuing duty which does not terminate upon filing of the application. The same duty is imposed on each individual associated with the filing and prosecution of the application. Accordingly, if you have not already provided us with all such information, we need it as soon as possible so that we can make an early determination as to its materiality, and can prepare an appropriate statement, if necessary, for filing with the application.

Enclosed is a self-addressed Fedex envelope for your convenience. We ask that you please return the signed documents in the Fedex envelope enclosed.

The next due date for filing the Declaration is **October 1, 2004**. If there is any possibility that you could forward the signed Declaration to us by that time, we would greatly appreciate it. Since the Assignment should be notarized and it may be less convenient to obtain notarization, the Assignment can be forwarded to us at a later time. If you need to forward the documents separately, please forward via Fedex and bill to recipient.

Thank you for your time and cooperation. Please do not hesitate me if you have any questions.

Sincerely,



Deborah L. Cadena, Ph.D.  
Patent Agent/Scientific Advisor

DLC/cec  
Enclosures

cc: Stephen Coutts, Ph.D. (w/o encls.)

From: Origin ID: (858)535-9001  
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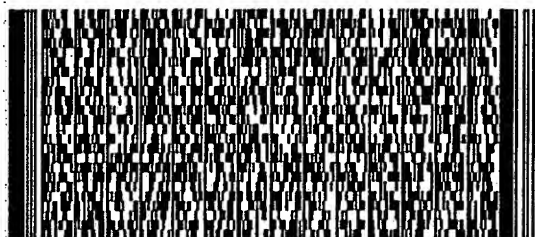
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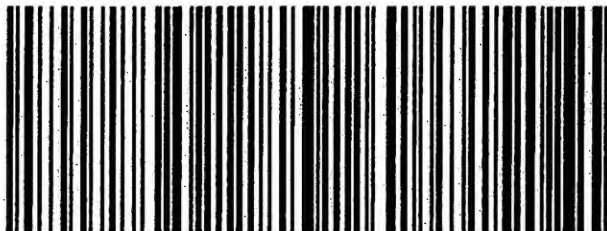
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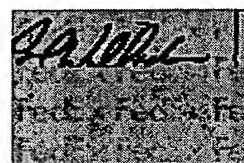
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# McDermott Will & Emery

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December 7, 2004

VIA FEDERAL EXPRESS

Min Lee  
University of Wisconsin-Madison  
433 Babcock Dr.  
Madison, WI 53706-1544

Re: U.S. Patent Application No.: 10/799,934  
For: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL  
ENTITIES USING ADVANCED ANTENNA PROBES  
Inventors: Kelly et al.  
Client-Matter No.: 066692-0097

Dear Min:

Further to my letter dated September 17, 2004, I am forwarding another copy of the documents previously sent to you as attachments to the email. As previously indicated, we are in the process of preparing formal documents for filing in the above-identified application, of which you are one of the inventors. Enclosed is a copy of the declaration and assignment. Also enclosed is a copy of the application as filed. We remind you that the application is the intellectual property of Triad Therapeutics and accordingly should be treated with the appropriate confidentiality.

Once you have had the opportunity to review the application and have determined that the application is accurate and complete, please sign the Declaration and assignment as indicated. Please note that the assignment should be notarized. Also note that the Declaration has a place for your home address and citizenship at your signature line, and the assignment indicates your city and state of residence in the first paragraph. I ask that you please fill in your address on the Declaration. If any of the information on the assignment needs to be corrected, please mark any changes and initial.

Please note that the Declaration contains an acknowledgment of the inventor's duty to disclose all information of which he is aware that is material to the examination of the application. You should consider "material information" to include information relating to any publication, public uses or offers for sale of the invention or anything closely similar to it, occurring before the filing date of the application. If any such publications are patents, we suggest you consider them material no matter when issued.

Min Lee  
December 7, 2004  
Page 2

As you may be aware, for a variety of reasons even "material information" may ultimately have little or no bearing on the patentability of the invention. For example, if a publication occurred less than a year before the filing date and after completion of the invention, it will not affect patentability. Moreover, an invention often can be distinguished over material information by appropriate argument to the Patent and Trademark Office, or by amendment of the claims.

The purpose of the disclosure requirement is to ensure that the Patent and Trademark Office has before it all of the prior art that may affect the validity of a patent. This has the effect of strengthening patents that ultimately are granted. Failure to satisfy the disclosure requirement may result in loss of patent rights, as well as other potentially serious consequences. This is a continuing duty which does not terminate upon filing of the application. The same duty is imposed on each individual associated with the filing and prosecution of the application. Accordingly, if you have not already provided us with all such information, we need it as soon as possible so that we can make an early determination as to its materiality, and can prepare an appropriate statement, if necessary, for filing with the application.

Enclosed is a self-addressed Fedex envelope for your convenience. We ask that you please fax a copy of the signed Declaration to us at 858.597.1585. We ask that you please return the signed documents in the Fedex envelope enclosed.

**The final deadline for filing the Declaration is January 3, 2005.** We would therefore appreciate if you could forward the signed Declaration to us as soon as possible. Since the Assignment should be notarized and it may be less convenient to obtain notarization, the Assignment can be forwarded to us at a later time. If you need to forward the documents separately, please forward via Fedex and bill to recipient.

Thank you for your time and cooperation. Please do not hesitate me if you have any questions.

Sincerely,



Deborah L. Cadena, Ph.D.  
Patent Agent/Scientific Advisor

DLC/cec  
Enclosures

cc: Stephen Coutts, Ph.D. (w/o encls.)

From: Origin ID: (858)535-9001  
Mail Room  
MCDERMOTT, WILL V26 EMERY LLP  
4370 LA JOLLA VILLAGE DRIVE  
Suite 700  
SAN DIEGO, CA 92122



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REF: 66692-097 (7312)

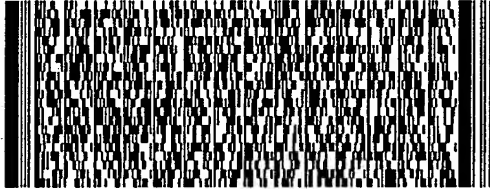


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Min Lee  
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Madison, WI 537061544



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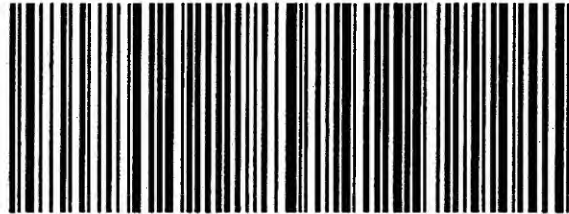
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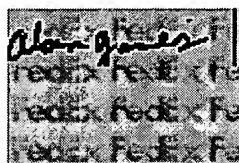
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Signed for by A.JONES  
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Reference 66692-097 (7312)  
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	12:34 AM Arrived at FedEx location	MEMPHIS, TN	
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Deborah L Cadena  
12/07/2004 04:45 PM

To: minlee@nmrfam.wisc.edu  
cc: smcoutts@TriadTherapeutics.com  
Subject: 66692-097

\*\*\*\*\* PRIVILEGED AND CONFIDENTIAL \*\*\*\*\*

U.S. Patent Application No.: 10/799,934  
For: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL ENTITIES USING ADVANCED  
ANTENNA PROBES  
Inventors: Kelly et al.  
Client-Matter No.: 066692-0097

Dear Min,

Further to my previous email and letter dated September 17, 2004, we are forwarding today via Federal Express a copy of the Declaration and Assignment for your signature as well as a copy of the above-identified application, as it was filed. For your convenience, attached is a copy of the cover letter being sent today as well as a copy of the Declaration and Assignment.

As you will note in the attached correspondence, the Declaration must be filed by January 3, 2005. We would therefore appreciate if you could please sign the Declaration as soon as possible and forward the signed Declaration to us via fax (858.597.1585) and Fedex in the enclosed Fedex envelope.

Thank you for your time and cooperation. Please do not hesitate to contact me if you have any questions.

Best regards,  
Debbie

Deborah L. Cadena, Ph.D. | Patent Agent and Scientific Advisor  
McDermott Will & Emery LLP | 4370 La Jolla Village Drive, Suite 700, San Diego California 92122  
Phone 858-535-9001 | Direct 858-643-1460 | Fax 858-597-1585 | dcadena@mwe.com



- SDO\_22941\_1.DOC



- SDO\_8031\_1.DOC



- SDO\_8043\_1.DOC

\*\*\*\*\*

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\*\*\*\*\*

Please visit <http://www.mwe.com/> for more information about our Firm.



"Min S. Lee"  
<minlee@nmrfam.wisc  
.edu>

To: <dcadena@mwe.com>  
cc:  
Subject: Patent

12/09/2004 03:53 PM

Dear Debbie,

I do not work for Triad Therapeutics. I have not done so since January of 2003. Fee for my review and signature for a patent is \$25,000.00. If and when this fund is released to me by Triad, I will contact you for further discussion.

Best wishes,

Min

# McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan  
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Cathryn Campbell  
Attorney at Law  
ccampbell@mwe.com  
858.643.1440

December 16, 2004

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Min Lee, Ph.D.  
University of Wisconsin-Madison  
433 Babcock Dr.  
Madison, WI 53706-1544

Re: U.S. Patent Application No.: 10/799,934  
For: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL  
ENTITIES USING ADVANCED ANTENNA PROBES  
Inventors: Kelly et al.  
Client-Matter No.: 066692-0097

PCT Patent Application No. PCT/US2004/007471  
For: NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL  
ENTITIES USING ADVANCED ANTENNA PROBES  
Applicant: Triad Therapeutics, Inc., et al.  
Our Reference: 066692-0098

Dear Dr. Lee:

As you are aware from our previous correspondence, the deadline for filing a Declaration in the above-identified United States patent application serial No. 10/799,934 is **January 3, 2005**. We are in receipt of your e-mail dated December 9, 2004, in which you indicate that your fee for review of the patent application and signing of the Declaration is \$25,000.

We remind you that, pursuant to the Employee Proprietary Information and Inventions Agreement executed by you on February 20, 2002, a copy of which is attached, you are obligated to "execute, verify and deliver such documents and perform such other acts (including appearances as a witness) as the Company [Triad Therapeutics, Inc.] may reasonably request for use in applying for, obtaining, perfecting, evidencing, sustaining and enforcing such Proprietary Rights [relating to Company inventions] and the assignment thereof" (see section 2.8).

We request that you sign the enclosed documents and return them to us as soon as possible so that the Declaration can be filed with your signature by the deadline of **January 3, 2005**. If we do not received the executed documents, we will interpret this to mean that you are refusing to sign the Declaration.



For your convenience, we again enclose a copy of the Declaration, Assignment, and specification related to the above-identified United States application, as previously forwarded to you in our letters dated September 17, 2004, and December 7, 2004, and via e-mail dated May 26, 2004, July 19, 2004 and December 7, 2004. We also enclose a copy of a Power of Attorney and Declaration as well as a copy of the specification related to the above-identified Patent Cooperation Treaty application, which were previously forwarded to you in our e-mail dated May 26, 2004, and via Fedex on September 17, 2004. We again remind you that the applications are the intellectual property of Triad Therapeutics and accordingly should be treated with the appropriate confidentiality.

As we have previously requested, please review the applications for accuracy and completeness and sign the Declarations and assignment as indicated. Please note that the assignment should be notarized. Also note that the Declaration has a place for your home address and citizenship at your signature line, and the assignment indicates your city and state of residence in the first paragraph. We ask that you please fill in your address on the Declarations. If any of the information on the assignment needs to be corrected, please mark any changes and initial.

As we have previously brought to your attention, please note that the Declarations contain acknowledgment of the inventor's duty to disclose all information of which he is aware that is material to the examination of the applications. You should consider "material information" to include information relating to any publication, public uses or offers for sale of the invention or anything closely similar to it, occurring before the filing date of the applications. If any such publications are patents, we suggest you consider them material no matter when issued.

As you may be aware, for a variety of reasons even "material information" may ultimately have little or no bearing on the patentability of the invention. For example, if a publication occurred less than a year before the filing date and after completion of the invention, it will not affect patentability. Moreover, an invention often can be distinguished over material information by appropriate argument to the Patent and Trademark Office, or by amendment of the claims.

The purpose of the disclosure requirement is to ensure that the Patent and Trademark Office has before it all of the prior art that may affect the validity of a patent. This has the effect of strengthening patents that ultimately are granted. Failure to satisfy the disclosure requirement may result in loss of patent rights, as well as other potentially serious consequences. This is a continuing duty which does not terminate upon filing of the application. The same duty is imposed on each individual associated with the filing and prosecution of the applications. Accordingly, if you have not already provided us with all such information, we need it as soon as possible so that we can make an early determination as to its materiality, and can prepare an appropriate statement, if necessary, for filing with the applications.

Enclosed is a self-addressed Fedex envelope for your convenience. We ask that you please fax a copy of the signed Declarations to us at 858.597.1585. We ask that you please return the signed documents in the enclosed Fedex envelope.

Min Lee  
December 16, 2004  
Page 3

**The final deadline for filing the Declaration in the above-identified U.S. patent application, serial No. 10/799,934, is January 3, 2005. We therefore ask that you please sign and forward the signed Declaration to us as soon as possible.**

Thank you for your time and cooperation. Please do not hesitate us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cathryn Campbell', with a stylized flourish at the end.

Cathryn Campbell

CAC/DLC/cec

Enclosures

cc: Stephen Coutts, Ph.D. (w/o encls.)  
Deborah L. Cadena (w/o encls.)

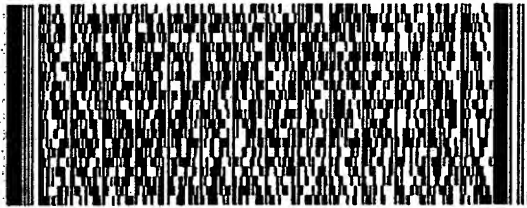
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MCDERMOTT, WILL I26 EMERY LLP  
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Min Lee  
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433 Babcock Drive

**Madison, WI 537061544**

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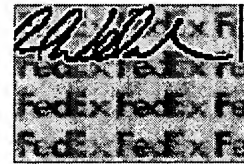
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<b>Ship date</b>	Dec 16, 2004	<b>Delivered to</b>	Shipping/Receiving
<b>Delivery date</b>	Dec 17, 2004 9:34 AM	<b>Service type</b>	Standard Pak
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Deborah L Cadena  
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To: minlee@nmrfam.wisc.edu  
cc: smcoutts@TriadTherapeutics.com, Cathryn  
Campbell/SDO/MWE@MWE  
Subject: 66692-097

\*\*\*\*\* PRIVILEGED AND CONFIDENTIAL \*\*\*\*\*

Dear Min,

Please see the attached correspondence from Cathryn Campbell. The original is scheduled to arrive today via Fedex.

Best regards,  
Debbie

**Deborah L. Cadena, Ph.D.** | Patent Agent and Scientific Advisor  
**McDermott Will & Emery LLP** | 4370 La Jolla Village Drive, Suite 700, San Diego California 92122  
Phone 858-535-9001 | Direct 858-643-1460 | Fax 858-597-1585 | [dcadena@mwe.com](mailto:dcadena@mwe.com)



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